

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 10-00483-CJC(RNBx)

Date: June 1, 2010

Title: GERALD A. HUTCHINSON V. JPMORGAN CHASE BANK NA ET AL.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Michelle Urie
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER GRANTING DEFENDANTS’
MOTION TO DISMISS WITH LEAVE TO AMEND** [filed 04/26/10]

Having read and considered the papers presented by the parties, the Court finds this matter appropriate for disposition without a hearing. *See* FED. R. CIV. P. 78; LOCAL RULE 7-15. Accordingly, the hearing set for June 7, 2010, at 1:30 p.m. is hereby vacated and off calendar.

Plaintiff Gerald A. Hutchinson brought this action against Defendants JPMorgan Chase Bank, N.A. an Acquirer of Certain Assets and Liabilities of Washington Mutual Bank from the Federal Deposit Insurance Corporation Acting as Receiver, erroneously sued as J.P. Morgan Chase Bank, and California Reconveyance Company for violations of state and federal law relating to his mortgage loan. Defendants now move to dismiss Mr. Hutchinson’s complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). For the following reasons, Defendants’ motion to dismiss is GRANTED WITH LEAVE TO AMEND.

Local Rule 7-12 of the Central District of California addresses a party’s failure to file required papers. It states:

The Court may decline to consider any memorandum or other paper not filed within the deadline set by order or local rule. The failure to file any

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required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion.

LOCAL RULE 7-12. Here, Mr. Hutchinson has failed to file an opposition to Defendants' motion to dismiss the complaint. Additionally, Mr. Hutchinson's claims suffer from many of the defects outlined in Defendants' motion. Mr. Hutchinson would be well-advised to consider Defendants' arguments if he chooses to amend his complaint.

For the foregoing reasons, Defendants' motion to dismiss is GRANTED WITH LEAVE TO AMEND. Mr. Hutchinson has twenty days leave to amend his complaint consistent with this order. Defendants have twenty days thereafter to file a responsive pleading.

imd

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